THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 15021 OF 2005

DATED:08.08.2005

Between:

S. Vahede, D/o. Sabjan Saheb,

Aged 43 years, Staff Nurse, SVIMS,

R/o. Tirupathi, Tirupathi.

……PETITIONER

AND

Sri Veniateswara Institute of Medical Sciences,

Tirupathi, Chittoor District, rep. by its Director.

……RESPONDENT

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:15021 of 2005

ORDER

This Writ Petition is filed by the petitioner seeking a writ of Mandamus directing the respondent to consider the case of the petitioner for promotion to the post of Head Nurse strictly in accordance with the existing seniority list of Staff Nurses in Sri Venkateswara Institute of Medical Sciences, Tirupathi, communicated vide Circular Roc.NO.C2/90/SVIMS/98, dated 20.10.1998 while filling up the existing vacancies of Head Nurses by declaring the action of the respondent in not considering the case of the petitioner, as arbitrary, illegal and discriminatory and with all consequential benefits.

According to the petitioner, she was appointed as a Staff Nurse through the employment exchange, Chittoor in the year 1992. It is stated that though a provisional list was prepared in the year 1998, which was subject matter of some of the Writ Petitions filed by the aggrieved Staff Nurses, the said provisional seniority list was not altered or modified and in fact, according to the petitioner, some of the Staff Nurses were even promoted as Head Nurses basing on the said seniority list. But, however, the grievance of the petitioner is that when it comes to the case of the petitioner, her case was not being considered for appointment as Head Nurse basing on the said seniority list. Therefore, the petitioner has come up with the present Writ Petition.

A counter-affidavit is filed on behalf of the respondent denying and disputing the allegations of the petitioner, but, however, at para 5 of the counter-affidavit it is stated that the seniority list of 1998, referred to by the petitioner, is a provisional seniority

list, which was prepared basing on the merit/performance of the candidates in the interview, which contains 25 Staff Nurses. It is stated that the said provisional seniority list has not been finalized in view of the pendency of the Writ Petitions. But, however, it is represented that as long as the said provisional seniority list is not altered as per the directions of this Court, the respondents would follow the said seniority list.

Heard both sides and considered the material on record.

In view of the claim made by the petitioner with reference to the seniority list, dated 20.10.1998, which is admitted by the respondent as a provisional seniority list, which is in existence as on date, the respondent is directed to consider the case of the petitioner for promotion as and when the respondent is proposing to fill up the Head Nurses vacancies, in accordance with the said provisional seniority list.

With the above direction, the Writ Petition is disposed of. No costs.

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S. ANANDA REDDY,J

08TH AUGUST 2005

Note: Issue C.C. in three days.

(B/o)

Tsr